

1-1 By: West, Hinojosa S.B. No. 170
1-2 (In the Senate - Filed January 9, 2013; January 29, 2013,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 25, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 1;
1-6 March 25, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 170 By: Garcia

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to building code standards for new residential
1-18 construction in the unincorporated area of a county.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 233.152, Local Government Code, is
1-21 amended to read as follows:

1-22 Sec. 233.152. APPLICABILITY. (a) Except as provided by
1-23 Subsection (b), this [This] subchapter applies only to new
1-24 residential construction in a county that has adopted a resolution
1-25 or order requiring the application of the provisions of this
1-26 subchapter and that:

1-27 (1) is located within 50 miles of an international
1-28 border; or

1-29 (2) has a population of more than 100.

1-30 (b) This subchapter does not apply to new residential
1-31 construction if:

1-32 (1) the property on which the new residential
1-33 construction is located is appraised for ad valorem tax purposes as
1-34 land for agricultural use or open-space land under Subchapter C or
1-35 D, Chapter 23, Tax Code;

1-36 (2) the new residential construction will not be
1-37 located within 1,000 feet of a platted subdivision;

1-38 (3) the new residential construction is intended to be
1-39 used as the primary residence of an individual who is the builder
1-40 of, or acts as the general contractor for, the construction; and

1-41 (4) the new residential construction is:

1-42 (A) the first residential construction, as
1-43 described by Section 233.151(a)(1), to be built on the property; or

1-44 (B) an addition to an existing single-family
1-45 house or duplex, as described by Section 233.151(a)(2).

1-46 SECTION 2. Section 233.154, Local Government Code, is
1-47 amended by amending Subsection (c) and adding Subsection (c-1) to
1-48 read as follows:

1-49 (c) If required by the county, not later than the 10th day
1-50 after the date of the final inspection under this section, the
1-51 builder shall submit notice of the inspection stating whether or
1-52 not the inspection showed compliance with the building code
1-53 standards applicable to that phase of construction in a form
1-54 required by the county to:

1-55 (1) the county employee, department, or agency
1-56 designated by the commissioners court of the county to receive the
1-57 information, subject to Subsection (c-1); and

1-58 (2) the person for whom the new residential
1-59 construction is being built, if different from the builder.

1-60 (c-1) The commissioners court of a county may designate the

2-1 county clerk to receive information as provided by Subsection
2-2 (c)(1) only if the county clerk consents to the designation.

2-3 SECTION 3. Subchapter F, Chapter 233, Local Government
2-4 Code, is amended by adding Section 233.1545 to read as follows:

2-5 Sec. 233.1545. CERTIFICATION OF COMPLIANCE; CONNECTION OF
2-6 UTILITIES. (a) A county to which this subchapter applies shall
2-7 require the issuance of a certificate of compliance as a
2-8 precondition to obtaining utility services as provided by this
2-9 section.

2-10 (b) Not later than the fifth business day after the date a
2-11 notice of inspection described by Section 233.154(c) stating that
2-12 the inspection showed compliance with building code standards
2-13 described by Section 233.153 is received, the county shall issue
2-14 the party submitting the notice a written certificate of
2-15 compliance.

2-16 (c) An electric, gas, water, or sewer service utility may
2-17 not permanently serve or connect new residential construction of a
2-18 single-family house or duplex as described by Section 233.151(a)(1)
2-19 with electricity, gas, water, sewer, or other utility service
2-20 unless the utility receives a certificate issued by the county
2-21 under Subsection (b).

2-22 (d) Subsection (c) does not prevent the temporary use or
2-23 connection of utilities necessary to complete new residential
2-24 construction, including temporary use or connection of utilities to
2-25 pass an inspection under this subchapter.

2-26 SECTION 4. The changes in law made by this Act apply only to
2-27 new residential construction that commences on or after the
2-28 effective date of this Act, except that if the county requires
2-29 notice under Subsection (b), Section 233.154, Local Government
2-30 Code, this Act applies only to new residential construction for
2-31 which notice was given on or after the effective date of this Act.

2-32 SECTION 5. This Act takes effect September 1, 2013.

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